

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN**

LAURA EWING-LOFTON,

Plaintiff,

Kent County Case No.  
20-08192-NO

v

BLOOMIN' BRANDS, INC. d/b/a  
OUTBACK STEAKHOUSE,

Defendant.

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CHRISTOPHER J. TRAINOR (P42449)  
THOMAS F. NORTON (P45525)  
CHRISTOPHER TRAINOR &  
ASSOCIATES  
Attorneys for Plaintiff  
9750 Highland Road  
White Lake, MI 48386  
(248) 886-8650

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DAVID J. YATES (P49405)  
ERIC P. CONN (P64500)  
STEPHANIE B. BURNSTEIN (P78800)  
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MAHONEY  
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**NOTICE OF REMOVAL**

TO: United States District Court - Western District of Michigan  
Kent County Circuit Court  
Counsel of Record

NOW COMES Defendant, Bloomin' Brands, Inc. d/b/a Outback Steakhouse,  
by and through its attorneys, David J. Yates, Eric P. Conn, Stephanie B. Burnstein  
and Segal McCambridge Singer & Mahoney and hereby removes this action and  
give Notice to this Honorable Court of the Removal of this Action from the Circuit

Court of the State of Michigan, County of Kent, to the United States District Court for the Western District of Michigan, and respectfully states under this Court as follows:

1. That Bloomin' Brands, Inc. d/b/a Outback Steakhouse is a Defendant in a civil action brought against it in the Circuit Court for the County of Kent, State of Michigan, entitled *Laura Ewing-Lofton v. Bloomin' Brands, Inc. d/b/a Outback Steakhouse*, Case No. 20-08192-NO, and that a copy of the Complaint is attached hereto and constitute all process and pleadings served upon Petitioner in such action (**Exhibit A**). No other proceedings have taken place in the Circuit Court for the County of Kent.

2. That the above captioned matter is a civil action over which this Court has original jurisdiction on the provisions of Title 28 United States Code, USC Section 1332, and is one which may be removed to this Court by the Petitioners, Defendant herein, pursuant to the provisions of Title 28 United States Code, Section 1441, that it is a civil action, wherein the matter in controversy will allegedly exceed the sum or value of \$75,000.00 exclusive of costs, attorney fees, and statutory interest, according to the allegations in the Complaint and it is between citizens of different states, as more fully identified as follows:

a. Defendant, Bloomin' Brands, Inc. d/b/a Outback Steakhouse, is a Florida corporation with its principle place of business in Florida;

b. Plaintiff is a citizen of the State of Michigan.

3. That in particularity based on the necessary implications of Plaintiff's Complaint, this matter in controversy allegedly exceeds the sum or value of \$75,000.00 exclusive of costs, attorney fees and statutory interest demanded in that the Plaintiff seeks damages for personal injury arising out of injuries allegedly incurred in a slip and fall accident dated March 17, 2019. Plaintiff has alleged injuries to right hip and right shoulder and other economic and non-economic damages, including wage loss claim, which may arise in this matter. Plaintiff has further advised Defendant that her damages exceed \$75,000.

4. That this Petition is filed in a timely and proper manner in as much as service of process upon Bloomin' Brands, Inc. d/b/a Outback Steakhouse was made by certified mail on November 16, 2020, and the original Petition for Removal was filed within thirty (30) days thereof.

5. Plaintiff's counsel refuses to stipulate that damages are less than \$75,000.

6. Plaintiff's counsel does not oppose Federal Court jurisdiction.

7. Attached as **Exhibit B** is a verification of the facts and circumstances set forth in this demand for removal.

THEREFORE, Defendant, Bloomin' Brands, Inc. d/b/a Outback Steakhouse, gives Notice that the above Action now pending against it in the Circuit Court for the County of Kent, State of Michigan, is removed therefrom to this Court.

SEGAL McCAMBRIDGE SINGER &  
MAHONEY

By /s/ David J. Yates  
DAVID J. YATES (P49405)  
ERIC P. CONN (P64500)  
STEPHANIE B. BURNSTEIN (P78800)  
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29100 Northwestern Highway, Ste. 240  
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(248) 994-0060

Dated: December 7, 2020

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WESTERN DISTRICT OF MICHIGAN**

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 7, 2020, a copy of the foregoing Notice of Removal was filed and served electronically via the Court's electronic filing system (or, to the extent such service could not be accomplished because the recipients are not yet registered for electronic service, via first-class U.S. Mail, postage prepaid) to the following parties and counsel:

Christopher J. Trainor  
Thomas F. Norton  
Christopher Trainor & Associates  
9750 Highland Road  
White Lake, MI 48386

Clerk of the Court  
Kent County Circuit Court  
180 Ottawa Ave. NW.  
Grand Rapids, MI 48386

/s/ Robyn A. Goldberg